

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of John M. Stewart, Bradley
J. Steeves, and Karl Vernes
Application No. 10/716,314
Filed November 18, 2003

Examiner: A. Rooke
Art Unit: 1656
Confirmation No. 7296

PARALYTIC PEPTIDE FOR USE IN NEUROMUSCULAR THERAPY

Attorney Docket No. P26,473-A USA

FILED ELECTRONICALLY BY MARC S. SEGAL ON AUGUST 6, 2007

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**PETITION TO WITHDRAW FROM ISSUE –
ISSUE FEE PAID UNDER 37 C.F.R. § 1.313(c)**

Sir:

Applicants hereby petition for the withdrawal of this application from issue. The issue fee for this case was paid on July 10, 2007. According to the Issue Notification dated July 25, 2007, the application is scheduled to issue on **August 14, 2007** as U.S. Patent No. 7,256,173.

The reason for the request for withdrawal from issue is for the consideration of a request for continued examination (RCE) under 37 C.F.R. § 1.114 which will be filed with an amendment to the sequence listing.

As presently allowed, Claim 23 contains an internal inconsistency. Claim 23 recites a 54 amino acid sequence and in a parenthetical identifies SEQ ID NO:2. The 54 amino acid sequence recited in allowed Claim 23 is not identical to SEQ ID NO:2 in the sequence listing

but rather is identical to SEQ ID NO:1 in the sequence listing. The difference between SEQ ID NO:1 and SEQ ID NO:2 is a single amino acid at residue 28. The 54 amino acid sequence recited in allowed Claim 23 is identified as SEQ ID NO:2 in the *specification*. See application as filed at page 2, line 11 and Figure 1B. Accordingly, to avoid confusion, applicants will amend the sequence listing so that SEQ ID NO:2 is identical to the 54 amino acid sequence identified in allowed Claim 23 and is consistent with the specification. SEQ ID NO:1 will also be amended so that it is consistent with the specification. See application as filed at page 2, lines 10-11 and Figure 1A.

The fee set forth in 37 C.F.R. § 1.17(h) is submitted herewith. If there are any additional fees required by this paper, the Office is authorized to charge such fees to Deposit Account 19-5425.

Accordingly, applicants request respectfully that the above-identified application be withdrawn from issue and the accompanying RCE and amendment be considered.

Respectfully submitted,

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